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WISCONSIN: A MICROCOSM OF FEDERAL INDIAN POLICY

This paper is constructed to provide an overview of the United States' Indian policy through representative federal acts directed at solving the Indian problem. Both "solve" and "problem" express the standpoint of the United States Government and the attitude with which American Indians were viewed by mainstream society. The steadily growing visibility of the "Indian problem" pressured the federal government into action and, thus, the twentieth century has come to see numerous major orders targeting American Indian communities. The ones discussed here were selected out of the many due to the issues they address and the impact they, directly or indirectly, have had on present Indian affairs. I will demonstrate the original motives and unforeseen results of the 1887 General Allotment Act, the 1934 Indian Reorganization Act, and the policies of termination and relocation in the particular setting of the State of Wisconsin.

Questions of self-determination and land possession will be analyzed as key factors in the quality of one's minority status within the dominant society. The peculiar standing of the American Indian minority adds to the complex interpretations of the federal acts directed at solving the Indian problem. Upon the first contact with the Native inhabitants of the land Europeans saw two options for the American Indian: exterminate or assimilate. By the end of the nineteenth century extermination became a less realistic concept for the federal government due to costs of war and the increasing number of philanthropic attempts to save the man, if not the Indian.

Independence as sought by the American Indian nations of the United States and the extent the United States allowed or hindered such attempts is an underlying issue of various government policies directed at the assimilation of Indian people. Self-determination is defined as the power

a given tribal entity possesses in controlling affairs within its territorial boundaries (O'Brien 45). Although the pendulum swung many times between the two extremes of assimilation and self-determination, the most harmful effects Indians saw in losing control over their own affairs lay in the opposing understanding and interests of self-determination. The federal government discarded the tribal element, and would acknowledge Indian self-determination exclusively at the individual level contrary to the Indian perception of the tribal nature of self-government. In terms of interests, the United States intended to deal with individuals, while Indians sought a special relationship with the federal government as independent nations.

Historians Charles Olson and Raymond Wilson regard some of the acts discussed here as expressions of “the need to slow down” (161) the speed the United States intended to assimilate her Indian nations. The statement is valid and verified by the rather ambiguous intentions of government decisions. The discussion of such policies provides the bases for the establishment of a historical context which helps explain current Indian issues. Although federal acts were to remedy the national Indian problem, a demonstration of particular examples will highlight the discrepancies between intentions and results.

Wisconsin: A “natural laboratory”

In the preface to the 2002 edition of *Wisconsin Indians* Lurie claims that Wisconsin “has served as a kind of natural laboratory for most of the government’s policies and programs while at the same time Wisconsin Indian tribes and organizations have exemplified and sometimes led in new developments to improve the lives of Indian people” (IX). The first half of the quotation reveals the experience of being an experimental “species” in government politics, whereas the second expresses the outstanding abilities and achievements of the state’s Indian communities. The analysis of these two distinctive notions will highlight how Indian people profited from their relatively early experience of federal Indian policy. Lurie also claims that following the events of 1969—the first publication of her *Wisconsin Indians*—“Wisconsin continues to offer an unusual opportunity to understand the national Indian picture” (IX). This method also works reciprocally; the difficulties in mapping the Indian situation in multicultural America are easier to overcome with a special focus on one selected exemplary case.

Wisconsin hosts a large Indian population with tribes representing cultural and linguistic varieties. According to 2000 Census data the state's total population of 5,363,675 includes 47,228 American Indians and Alaska Natives (Wisconsin Census). In view of the fact that the Indian population of the state is "the fourth largest east of the Mississippi River" (Lurie, *Wisconsin* 1) may explain its function as an experimental area for government policies. The Wisconsin Census data does not offer the category of American Indian or Native Alaskan alone or in combination, but the Census is the only resource one may employ for information of racial composition. The Census of total population by race divided into counties includes the category of two or more races with no reference to what combination it refers to, thus the number of the American Indian populace of the state is rather an estimate than exact data.

To illustrate the variety of Indian cultures in the state and prepare for the analysis of Wisconsin's particular standing in Indian policy the seven current tribes of Wisconsin will be discussed briefly. The Chippewa/Ojibwa, Potawatomi, Menominee, Brotherton, Stockbridge-Munsee are Algonquian, the Oneida, former members of the Iroquois Confederacy, and the Siouan Winnebagos belong to three different linguistic stocks. The Brotherton have applied for federal recognition to the Bureau of Acknowledgement and Recognition but have not received federal tribal status as yet.

The United States' "divide and rule" policy affecting Indian populations is also a part of Wisconsin's Indian history. The Menominee, "the oldest known continuous residents [...] an undivided exclusively Wisconsin tribe" (Lurie, *Wisconsin* 10) and the Winnebagos, who now prefer to be called Ho-Chunk, were the first two nations populating the state. They arrived prior to white settlement, and lived in large communities which explains why "[the Winnebagos] were so particularly hard hit" with the "impact of new diseases" (Lurie, *Wisconsin* 13) brought by newly arriving Indians and white settlers. Due to the settlers' pushing Indians further west into the continent, Wisconsin also hosts "New York Indians" (Lurie, *Wisconsin* 10). The Stockbridge-Munsee, the Oneida and the Brotherton tribes are located in the north of the state. Their moving to Wisconsin in the 1820s and 1830s brought about clashes with the already present Menominee. Federal policy tried to compromise the conflicts "resulting in the most complicated set of Indian land transactions in Wisconsin" (Lurie, *Wisconsin* 10). There are six Chippewa/Ojibwa reservations in the state, and they are spread over a wide area which accounts

for the “rise to virtually autonomous bands” (Lurie, *Wisconsin* 9). The tribe also has relatives in Canada, Minnesota and Michigan. The Potawatomi were also refugees in the state and have ties with their tribe located in Canada, Oklahoma and Kansas. “The Potawatomis had a cohesive sense of tribal identity, and their dispersion into separate entities resulted from their treatment by the government” (Lurie, *Wisconsin* 9).

Rather than analyzing individual treaties signed by Wisconsin Indians and the United States, I will list selected examples of the government’s Indian policy and elaborate on how the state handles its own Indian problem. The twentieth century deserves special attention, as a number of precedents attracted national interest. Lurie states that “virtually every experiment in the history of the Indian policy has been tried out on one tribe or another in Wisconsin, but it seems that no matter what the government attempted, the effect was progressive impoverishment of the Indian people” (Lurie, *Wisconsin* 15). The precedents introduced here will describe how federal and state power affected any given Indian population, and how Indian people tried to counteract the destructive forces of certain policies.

Imbedded in the United States Indian policy was the concept that Indian people were disappearing fast on contact with white people. Policy makers constructed their theories around the concept of the “vanishing race” still prevailing in mainstream America. However, already in the nineteenth century treaty making period, the process of vanishing stopped. As Lurie says: “Had the treaty makers glanced eastward at the Indians longest in contact with whites, they would have seen that not all of them vanished and their population had ceased decreasing” (Lurie, *Wisconsin* 17). The Oneida provide a relevant example to this fact. By the time Wisconsin gained statehood in 1848, except for their reservation all Indian land was in the possession of the United States with the intention of Indians being relocated in Indian Territory west of the Mississippi River (Lurie, *Wisconsin* 22).

Just as the reservation system provided a potential alliance of former enemies by uniting their forces against the United States, such dangers were also imbedded in settling various tribes in the proximity of each other. Again, Wisconsin proves how federal Indian policy was tested on the state’s Indian population. Three of the tribes were resettled in the state from the New York area; the Winnebago were divided within the state and western lands, while Wisconsin tribes who settled in the state earlier

were pushed to western territories. Only the Menominee avoided relocation (Lurie, *Wisconsin* 19–23).

While most historians regard the 1889 Wounded Knee massacre to be the closing point of armed Indian resistance, the end of the treaty making period in 1871 and the 1887 obstruction of collective Indian land ownership had already paved the way for the last Indian war. Possession of tribal lands is a key issue in determining the status of the American Indian in mainstream American society and it is also a significant factor in the Indian communities' self-perception. Thus the analysis of federal Indian policy must appropriately begin with a measure targeted at the destruction of tribal land bases: the General Allotment Act of 1887.

The General Allotment Act (1887)

The General Allotment Act was to destroy first all that was left of the Indian spirit by terminating tribal land bases. Although the year 1871 was meant to be the ending of the treaty making period, the United States government found new means to retain some of the land mass assigned to Indians in treaties. Formerly granted reservations included in the numerous treaties between the United States and any given tribe were broken up into parcels of land and ownership of 180-acre or smaller tracts was assigned to individuals and family units. The rest of the land was offered to anyone for purchase with the idea that the proceeds would be reinvested in the government's integration process of the American Indian. The federal government designed a scheme by which the sums thus gained were to be used in the education of Indian people to acquire small-farmer skills and convert to an independent, agricultural way of life.

The notion of independence in this context is defined by the United States and its political bodies, and not by the Indian communities affected by the act. Ideally, the thus trained Indian population was to become self-sufficient and independent of all government agencies for annuities and other aids for their survival. But this notion also implied the loss of tribal cultures. By losing tribal land bases, Indian cultures would be void of a literal and figurative home ground. Many foresaw the problems buried under the integrationist slogan of the allotment policy. The scheme of utilizing surplus lands resulted in the fact that two-thirds of the formerly established reservations' territory was sold out of Indian ownership by the mid-1930s (O'Brien 43). Thus lands, formerly secured by the treaties, fell

out of collective Indian control. Although the guidelines designed to govern the purchase of allotted and surplus reservation lands were to ensure the success of federal intentions to reshape American Indians as small-farmers, they did not achieve the federally desired aim. Experts predicted Indian assimilation into white culture would take approximately twenty-five years, and federal tax exemption during these years was supposed to assist Indian people in making a rather tolerable agricultural living. Another rule secured that allotments were not to be alienated for the same period of time.

Small-scale farming did not prove to be a success. Firstly, the policy was introduced at a time when such agricultural methods were giving way to large-scale farming. The policy of allotment disregarded natural phenomena and some of the lands distributed among families were by no means suitable for farming. Also, many of the tribes lacked the tradition of family farming, and very little assistance was provided in terms of practical advice. Furthermore, the proximity of relatively well to do white neighbors who, at any time, could buy out Indian property created a rather insecure situation with regard to the rapidly shrinking tribal land base. Although tax exemption eased the burden of individual farmers, it did not compensate for the capital necessary for economic investment. Thus, white farmers in the proximity of reservations had the opportunity to rent Indian allotments for a nominal fee. More problems arose when allotted land became an issue of inheritance. The small acreage was divided into even smaller units, disabling heirs to make a living on farming. Since every single transaction was under the control of the Bureau of Indian Affairs, which was entitled to determine the fate of allotted parcels, much depended on the bureaucracy the Bureau of Indian Affairs represented. Corruption, which has posed a threat from the very first moments of the BIA's existence, seriously hindered a beneficial and effective handling of matters from the Indian point of view.

The first and rather practical step of diminishing the land base of any tribal entity directly led to the second, more political aim. Just as all other government decisions concerning the Indian peoples of the United States of America, this act also had two dimensions: on the one hand, the government could carry out and fulfill its role as guardian of its wards. In the long run, however, assimilation was the ultimate goal: by forcing Indian nations, or rather, individuals and family units to conform to mainstream ideals and way of life, the government was to solve the Indian problem by making the Indian disappear. The General Allotment Act may

also be interpreted as the revision of the formerly favored treaty-making policy. However successful and pragmatic the concept of reservations was, it failed to work in every case. As the Wounded Knee massacre suggests, the radical and quite war-like Plains tribes would not obey integration, much less assimilationist attempts.

There were other reasons why reservations could not be considered an ultimate bliss to solve the Indian problem. Some regarded them as a possible cradle for allied Indian resistance against government actions. The General Allotment Act answered all these doubts by shifting the Indian problem to the individual or family level and, instead of negotiating with tribes, the federal government had an easier access to peoples' control over their lives. With the loss of tribal land base, tribal governments also lost their say in tribal matters, since allotments were owned by family units. In the long run, tribal governments were expected to cease to function as a political body with power, however little it was, over Indian matters and this would have completed the assimilationist procedure.

Vine Deloria argues that the most significant implication of the General Allotment Act is not included in the act itself, but is borne by the amendments which modified the original intentions of the government. It is explicit that the act, by assigning power to the president of the United States to decide single-handedly about allotting and purchasing land base, is a key factor in assimilationist attempts. More problematic is, however, the role of the Bureau of Indian Affairs, which, under the amendments, was to gain more control and act on behalf of designated American Indians (Deloria 247). Moreover, the "educational" implications to train Indians as farmers lost their original impetus in view of how the Bureau under the Department of the Interior gained more administrative control over Indian matters.

Similarly to all the actions to "solve" the Indian problem, the General Allotment Act also had philanthropic implications. Many, who wanted to save the American Indian, joined the assimilationist circle with the belief that the only way for native peoples of the country to survive is to assimilate to the dominant society. This implied the inevitable loss of Indian cultures, but, in their view, it was a rather small price in exchange for American citizenship. Collective land ownership, the Indian agricultural methods and the cultural differences were obstacles towards total integration. The fact that Indian people did not wish to be integrated, much less to leave their cultures behind for a granted acreage of land was

not an issue taken into consideration by friends of the Indian. The door was opened wide by the government and by various means it was dragging American Indians in a space where, superficially at least, they could “upgrade” their status to that of mainstream Americans.

The 1887 General Allotment Act had severe consequences in the state of Wisconsin. Due to different tribal organizations, the seven Wisconsin tribes were variously affected by the parceling out of reservation territory. The Menominee already operated their lumber industry, and held the largest reservation land in the state which was never subjected to allotment. Proponents of allotment saw the Menominee success as a proof to the American Indian adapting to mainstream values. Although the tribe managed to avoid allotment, their economic prosperity did not save the reservation from another harmful government policy introduced seven decades later.

The Oneida and the Stockbridge-Munsee reservations were eliminated and by 1910 “all the land was divided and fee patents were issued, taking the reservation out of tribal trust status” (Lurie, *Wisconsin* 37). As opposed to the “almost three-quarters loss sustained across the country,” in Wisconsin “about half of the total reservation acreage was lost” (Lurie, *Wisconsin* 37). Allotment bears its consequences even today, as when a tribally initiated business requires undivided land, parcels lost through the procedure of allotment may pose a problem. May it be lumbering, tourism, or any industrial or agricultural enterprise in the state, patchwork-like reservations make investment problematic. Self-determination also implies self-sustainment to a certain extent as federal assistance is unreliable to predict in long-term planning. And, though, allotment was repealed in 1934 with the passing of the Indian Reorganization Act, tribes are still struggling with its effects.

The Indian Reorganization Act (1934)

The Indian Reorganization Act of 1934 seemingly follows the spirit of slowing down the assimilationist policy of the United States. The IRA, designed primarily to revoke the harms caused by the General Allotment Act, and partly to compensate for its wrongs, enabled tribal communities to organize their own governments and practice the long-sought self-determination. Self-determination in this context has two implications. Under the IRA, tribal governments are reorganized as “political communities that could govern their citizens and deal with the federal

government” (Lacy 92). By extension of this rule, the Indian Reorganization Act is also a promotion of the formerly disregarded tribal identity (Holm 140). As the urban Indian population is not viewed as a separate entity at this point in time, the power thus assigned to tribal governments only applies to matters within reservation boundaries.

The Indian Reorganization Act targeted four areas of American Indian reservation life. The first one was to allow Indians “residing on reservations to establish local self-governments and tribal corporations to improve tribal resources” (Olson and Wilson 116). Disregarding urban Indian populations this title of the act was to be the forerunner of self-determination exclusively on reservations. Title II of the act aimed at assisting Indians by offering training “in forest management, public health, law enforcement and record keeping and provided scholarship money for gifted students” (Olson and Wilson 116). Title III of the IRA was to end the General Allotment Act and to provide “consolidation of allotted and heirship lands into productive community use” (Olson and Wilson 116). Title IV established the Court of Indian Affairs to have “jurisdiction over reservation crimes and cases where at least one of the parties was Native American” (Olson and Wilson 116).

The greatest achievement of the IRA is the result of its termination of the General Allotment Act. The Department of the Interior provided funds and returned some of the lands lost to allotment, but it was far less than the land which fell prey to the former government policy. Actual compensation for the loss of tribal land bases did not equal the fact that Allotment was outlawed. Although Olson and Wilson claim it an achievement, I do not believe that “the federal government had given at least lip service to the principle of self-determination” can be declared an overall success. Parts of the act targeting education, self-determination and jurisdiction in certain matters on Indian land are signs of the “revolutionary” changes in Indian policy after the General Allotment Act. Attempts had been made and many American Indians became aware of their power under the IRA, but the Act could not answer all the problems American Indians experienced. As the tragic effects of allotment became obvious by the 1920s, and John Collier, Commissioner of Indian Affairs represented a more liberal view, a new policy was required to strengthen the Indian spirit. From the Indian perspective the first moves of the Act were unanimously viewed as positive. Repealing the allotment laws, reestablishing surplus reservation land and removing restrictions on exchanging allotment lands were vital deeds towards self-determination.

In addition, the referendum required of tribal communities to accept or reject the act was also a democratic notion never experienced by Indian communities before. Even the charting of tribal constitutions was assigned to Indian communities themselves. Such grand gestures of independence had never been displayed by the United States in its Indian policy.

One of the most well-intentioned federal acts, the IRA is the first to allow existence within the Indian space and tribal entities to experience their own cultural existence. This existence, and the borders surrounding it are still drawn by the United States federal government, but it assists the ethno-racial bloc to construct itself from within, at least to a certain extent. This act may also be interpreted as a possible manifestation of future postethnicity, although its main function is to target the wrongs of former policies which the concept of postethnicity declares to go beyond.

The benefits and novelties brought about by the IRA should point towards a brighter American Indian future in mainstream society. Yet, eventually, self-determination could not manifest at large. Even though the Indian Reorganization Act of 1934 was devoted to the principle of self-determination and tribal constitutions were to demonstrate such a principle, the Secretary of the Interior was delegated “significant veto powers over tribal affairs” (Olson and Wilson 161). This issue is further explored by Deloria, who relies on the wording of the Indian Reorganization Act when he questions its benevolent nature:

The legislation governing Indians has always been tied to the phrase “the Secretary of Interior may authorize, in his discretion.” The Indian Reorganization Act of 1934, generally thought of as the epitome liberalizing law toward the tribes, was replete with “the Secretary of Interior may authorize...” “the Secretary of Interior is hereby authorized to proclaim ...” “the Secretary of Interior is directed to make rules and regulations.” Even the tribal elections have had to be governed by “the Secretary of Interior under such rules and regulations as he may prescribe.” (qtd. in Steiner 264)

The above excerpt highlights how Indian reorganization was allowed to materialize. Tribes were secured the right to counteract the previous destructive federal Indian policy by reorganizing themselves, as long as such reorganization did not clash with federal interests. After any given tribe’s referendum to accept the IRA, tribes were to chart their own constitutions which, again although “had to be approved by the majority vote of the tribe” (Olson and Wilson 118) also required a consent from

the Secretary of the Interior (Olson and Wilson 118). Opponents to the IRA gained so much strength within a year after the act was passed, that “congressional appropriations to the Indian reorganization Act programs were cut beginning in 1935” (Olson and Wilson 120). An example from the State of Oklahoma illustrates the power the Secretary of the Interior held over Indian self-determination. Since reservations did not exist west of the Mississippi, Oklahoma Indians held a special relationship with the federal government different from that of reservation Indians. Under the Thomas-Rogers Bill American Indians in Oklahoma were placed under federal guardianship, but “in order to satisfy non-Native American assimilationists, mixed-bloods and assimilated Native Americans, the bill allowed Native Americans of less than half-blood Native American ancestry to be ‘relieved of all restrictions’ on their property” (Olson and Wilson 121). Indians who did not subscribe to federal guardianship had to apply to a special committee to determine whether they were competent enough to handle their own property. And it was “the Secretary of the Interior [who] would make the final decision in lifting such restrictions, based on recommendations from a special competency commission” (Olson and Wilson 121).

The explicit aims of the Indian Reorganization Act may be regarded beneficial, but the political operations underlying it raise doubts of its outcomes. Self-determination seems to bear paradoxical connotations for many American Indian advocates of the IRA. While it implies a great deal of independence possessed by the tribes, it also relies heavily upon the concept of federal trust status. Following in the footsteps of the treaty-making period, advocates of trust status wished to maintain the strongest ties possible with the federal government. Experiences with abridging voting rights merely a decade prior to the IRA may explain the preference for federal and the distrust for state and local agencies. Local and state governments have always been more likely to give priority to economic interests of non-Indian nature. Assigning the power to deal with Indian communities to local and state agencies was viewed as “a guarantee of discrimination and exploitation” (Olson and Wilson 162). To illustrate this point, Title III of the IRA evoked serious criticism from politicians who claimed that tribal governments with their own constitutions would “threaten the process of assimilation” (Olson and Wilson 117) and thus would pose an obstacle to the solving of the Indian problem. These Congressmen also feared that the land base freed by allotment would fall out of the reach of non-reservation interests. Their argument claimed that

under the IRA American Indians were “segregated [...] from European society” (Olson and Wilson 120), but the underlying meaning implied the “[prevention of] ‘efficient’ development of reservation resources” (Olson and Wilson 120). With reservations broken up into checkers of land, efficient utilization of resources could only come from non-Indian investors, who would contribute to state tax revenues unlike the federally held trust lands. Added to this is the claim voiced by opponents that tribal land ownership “supported anti-Christian and communistic principles” (Olson and Wilson 120).

The setting up of tribal governments was regarded as a great opportunity for self-improvement. Yet, the Bureau of Indian Affairs strode to shape the newly forming tribal governing bodies in the image of the United States government. Tribal constitutions were to be charted to be duplicates of the United States Constitution regardless of any cultural and historical difference. Partly due to the limited success in assimilating the American Indian, the Bureau of Indian Affairs managed to take strong control over tribal matters. Ironically enough, despite its undoubtedly beneficial aspects, the IRA also marked the end of the decade of mild or slow assimilation. It only took a decade and a half for the pendulum to swing back towards the policy of aggressive assimilation.

The discouragement of tribal practices is another example of how the cultural content of the American Indian bloc was held under supervision. When the tribes accepted to subscribe to the IRA they were offered assistance by the federal government in drawing up their constitutions. It is significant to mention here that the legal assistance came from members of the Interior Department who “prepared a model constitution to follow” (Olson and Wilson 119). Although some tribes found this helpful, many considered “its abundance of ‘legalese’ [...] difficult to comprehend, and it was too general to take into account the particular needs and expectations of individual tribes” (Olson and Wilson 119). John Collier gave priority to Indian interest as much as he could in the bureaucratic decision making processes, yet, he was often criticized by Indian people themselves for underestimating American Indian cultural diversity and the frequent barriers of factionalism (Olson and Wilson 122). The IRA required majority vote on many levels which “posed problems for a people who had a long tradition of reaching decisions by consensus or persuasion” (Olson and Wilson 122). The IRA also failed to acknowledge cultures where centralized tribal government had not been

part of the decision making process. The Wisconsin Winnebago and Menominee are two examples to illustrate the operation of the IRA.

In 1926, on the request of the Board of Indian Commissioners, the Institute for Government research assigned the task of investigating American Indian grievances to Dr. Lewis Meriam, a social scientist. Financed by John D. Rockefeller, with a staff of nine education, health, sociology, economics and law experts, Meriam conducted a seven-month research including field trips throughout the United States. In 1928 the data collected was published under the title *The Problem of Indian Administration* (Olson and Wilson 100). The 1928 Meriam Report was designated to reveal the problems of the American Indian population in the United States. Just as in 1887, Wisconsin was cited as an exemplary case. The Menominee, who did not have to undergo allotment, were shown a model tribe with their successfully operating lumbering and forestry. The report did not claim the tribe to be well-to-do, but stated that it could “carefully manage” its business, “[provide] employment” and “[support] community facilities and services” (Lurie, *Wisconsin* 40). Interpreted as both a positive example to follow by Indian people and to prove the United States that tribes could manage on their own, the Menominee case should be ideal. For one, they were exempt from allotment the effect of which other tribes had to struggle with. More importantly, they seemed to be able to counteract the cultural de-Indianization imbedded in the former federal Indian policy. Within their own Indian country, supporting themselves on terms mainstream America expected them to, the need to assimilate and lose Indianness was not on the agenda. As such, they counteracted the individualistic nature of American ideals, and still sustained tribal membership as primary affiliation. The Menominee proved that economic prosperity did not necessarily entail individualism as promoted by mainstream thinking. They provided an alternative to assimilationist policy by maintaining tribal property and economically functioning as mainstream society rules would direct.

Neither the Winnebago nor the Menominee subscribed to the IRA as “they already had an elected tribal government that had evolved as their lumbering enterprise required tribal approval of contracts” (Lurie, *Wisconsin* 41). The Winnebago, with no reservation of their own, did not vote for or against the IRA, as they believed “it might jeopardize their long-standing hope of collecting money [...] from old treaty negotiations” (Lurie, *Wisconsin* 41). Yet, other tribes profited from the IRA as two of

the Chippewa reservations, and the extension of the Stockbridge and Oneida lands became possible through the act.

In conclusion, the Indian Reorganization Act had complex effects on the American Indian minority. Restoring tribal land bases was the first and foremost advantage Indian people could gain from the Act. Even though the amount of land could not compensate for the loss, it was a beneficial step on behalf of the federal government. Tribal constitutions and self-determination are more problematic to see in such a positive light, as the bureaucracy of the BIA and the singular power of the Secretary of the Interior hindered much of development the two titles offered. However, contrasted with the following acts the IRA was a permissive step toward self-determination.

Termination (1954) and Relocation (1955)

Shirley Witt sees the essence of termination policy as “[t]he unilateral withdrawal of federal services to Indians [...] related policies and legislation, such as resolutions, bills, acts and public laws which lead to this same end” (96). The most assimilationist of all twentieth-century Indian policies, at its core, termination is the removal of tribal lands from tax exemption and placing them on state tax rolls. This entails that tribes are no longer subject to federal powers but to those of state and local governments. As it has been demonstrated, most Indian tribes regarded their special relationship with the federal government inevitable for their survival, thus termination meant a threat to tribal integrity. Similarly to the Indian Reorganization Act, the issue of self-determination is also an essential question here as “terminated tribes and non-federally recognized tribes, which make up almost one third of all indigenous peoples in the United States, have no federally recognized rights of self-determination” (O’Brien 44). Termination implies that tribes cease to exist as political units which would be represented by their own governments towards federal powers. By extension, it also means the loss of tribal integrity, and eventually, the loss of tribal cultures. Besides the economic and strongly related cultural issues, without the tribal land base, tribal governments which were set up under the 1934 Indian Reorganization Act are done away with and former tribal membership is replaced by a status similar to all other citizens of the United States.

Within a decade, “Congress had terminated its relationship with 109 bands and tribes” (O’Brien 44). Such figures explain why it is hard to

agree with Deloria's standpoint that "too much is made [...] of the importance of termination [...] more important in terms of identifying the status of American Indians in American society was the propensity of Congress to continue the wartime subsidy into the cold war years" ("Evolution" 250).

During the two decades between the Indian Reorganization Act and the policy of termination, many Indians moved to the cities in search of a better future. This, however, did not equal the rejection of one's Indianness. The federal government disregarded the possibility that Indian space was carried internally and by the individual American Indian to any place they moved. From a mistaken federal perspective, Indians were flocking away from reservations in their attempt to integrate, at least economically, into mainstream American society, and, thus, the time seemed right to end the rather frustrating relationship with Indian tribes.

Introduced in 1954, but already an existing plan in the late 1940s, termination was accompanied by the notion of relocation. From the federal perspective, the two policies rely on and generate each other. Mass migration off the reservations into the cities was to bring about the disintegration of existing Indian communities. By promoting relocation in urban areas, termination of tribal entities seemed a logical step. The reverse process is also verified. Withdrawing federal services from reservations would result in American Indians seeking the same services under seemingly better circumstances, more accessible in cities than in rural areas. While more and more Indian people are encouraged to leave the reservations behind and try an "independent" life in one of America's large cities, there is the distinct possibility that the a slowly disintegrating political body of tribal governments will soon cease to function.

Just as in the case of the General Allotment Act, the underlying intention was to solve the Indian problem by discarding the Indian features and viewing the problem, such as poverty, lack of education, housing matters by the same standards as all other, similarly disadvantageous people would share. However, in this view, the major principle is not the issue of equality, but the disregarding of tribal features, and special cultural traits. Termination illustrates the cultural conflict which has existed ever since the first contact between Europeans and American Indians as it fails to acknowledge Indian people's rejection of individualism. Although it is considered outdated in the twentieth century, Indian communities believed in cultural and not individual survival. The problems of housing, lack of education and poverty are

notions that Indian people attempted at solving communally. Their belief in being “sovereign, dependent” nations protected by the United States Government still persists. Unlike other disadvantageous minorities, the partially restored tribal land bases under the IRA, merely two decades prior to termination, provided a possibility to negotiate with the federal government. This is not to say that reservations were the sole locale of the Indian problem, and as the federal government came to see it, it had to be relocated in order to be solved more easily.

Moving to urban areas accelerated after World War II and was strongly encouraged by the Bureau of Indian Affairs Voluntary Relocation Policy of 1955 whereby the BIA subsidized transportation to and adjustment in an urban environment. The Bureau of Indian Affairs was to assist both total integration in mainstream American society and the preservation of a separate Indian character in cities. Neither of these declared goals accomplished in their entirety. Relocation was a means to promote integration, but this attempt failed. The promise that city life would bring about improved social and economic conditions compared to reservations proved to lack any foundation. Unemployment, poverty, housing problems, and the lack of education were as pressing problems in the cities as they were on the reservation. In addition, off-reservation Indians experienced a total neglect of their existence. Louis Bruce, Nixon’s Commissioner of Indian Affairs, experienced very harsh criticism from urban Indian groups as soon as he took office. They attacked the Bureau’s passivity, in response to which the Commissioner said, “the Bureau of Indian Affairs is concerned primarily with Indians living on tribal lands. It is neither set up nor financed to assume responsibility for off reservation Indians” (“Militant” n.pag). This response justifies the interconnected nature of termination and relocation. No matter what the original intentions were, neither relocation, nor termination could solve the “Indian problem.” On the contrary, not only did it remain a significant issue, but it soon acquired new characteristics.

Relocation policy was to assist American Indians’ blending in not only urban, but by the same token, mainstream American society. Ideally, those who undertook relocation to urban areas were expected soon to adjust to city life and become “lost” in the cities as Indians. At its best, this disappearance was literal and figurative at the same time. On the surface the program did not conflict with Indian aims, as the largest attraction of leaving home communities was economic improvement. However, frequent returns to the reservations, at least once a year according to 1960s count (Mudgett and Wilson 1) did not assist cutting

the ties with one's American Indian roots. A seasonal fluctuation can also be detected in city Indian populations. In addition, a "reverse relocation" process affected not only those who were unable to adjust and adapt to urban living but it "varies from those who could not be successful in an urban, mostly white environment to professionals who adjusted easily to non-Indian society" (Mullen). Reservations were still considered the sole homeland American Indians possessed even if living in cities.

In Wisconsin, urban Indian populations were significantly altered due to relocation. "The state's largest intertribal urban population is in Milwaukee (variously estimated today at around 10,000), where Indian people began settling in the 1920s and, in 1937, founded the state's first (and among the nation's oldest) urban Indian organizations, the Consolidated Tribes of Milwaukee" (Lurie, *Wisconsin* 1). While other large cities in the United States, such as Denver, Chicago, New York and Los Angeles hosted designated BIA offices to assist relocation, Milwaukee was never declared an official relocation city under the Voluntary Relocation Program of the 1950s. Nevertheless, the growing number of relocatees in the city led to the Bureau's setting up of "information clearinghouses" (Lurie, *Wisconsin* 48) to assist its Indian population of considerable size. The city drew most of its Indian migrants from Wisconsin. The relative proximity of home communities, however, was not sufficient enough to assist adaptation to city life. Decades after the first urban self-help organization came to being new forums were necessary to help relocatees cope with the non-reservation environment. In Milwaukee, an urban Indian culture center, numerous self-help organizations and a tribally run school helped reconcile the differences between non-Indian urban communities, reservation communities and urban Indian communities. Many of the organizations which sprang up during the relocation period disappeared after a few years of operation, but some are still active today with slightly altered programs on their agenda.

In Wisconsin the policy of termination had two significant consequences. The first was the state's acceptance of Public Law 280, a federal statute, which enabled states to assume criminal, as well as civil jurisdiction in matters involving Indians as litigants on reservation land. Prior to Public Law 280, these cases were the responsibility of either tribal or federal courts. "Essentially, Public Law 280 was an attempt by the federal government to reduce its role in Indian affairs" (*Public*).

Enumerated in Public Law 280 were six states which were “obliged to assume jurisdiction from the outset of the law,” (*Public*) including Wisconsin. Many opposed the enactment of Public Law 280 in the state for numerous reasons. As in many other cases affecting Indian matters, it was passed without the consent of Indian people. Although in 1968 it was amended “requiring the consent of the tribe, consent was not required for states that had assumed jurisdiction up to 1968” (*Public*). Thus, Wisconsin acted without tribal consent. In addition to this argument based on moral grounds, a more pragmatic explanation was explicit to the opponents. With termination and relocation on the agenda, Public Law 280 was just another move of the federal government to shift economic responsibilities of the pressing Indian problem onto the states.

The second, and more severe, effect of termination is displayed by the fate of the Menominee tribe. The oldest, exclusively Wisconsin, tribe had been mentioned with regard to the policies affecting the tribes of the state. Their success in avoiding allotment backfired with the policy of termination and their exemplary status in the Meriam report brought tragic consequences. As the report proved the Menominee success in their enterprises, they became primary targets on the termination agenda. Although the tribe had about “\$10 million in cash assets” (Lurie, *Wisconsin* 47), awards from a suit with the federal government for mismanagement of their business, the Menominee were cheated into termination. “The tribe had voted to use more than half of their award in per capita payments [...] the rest they earmarked for improvements to their hospital and other tribal purposes” (Lurie, *Wisconsin* 47). Still following the practice of the ward-guardian relationship between Indians and the federal government, Congress had the final say in paying the award. The Menominee were called together on two occasions to vote about the issue of termination. The first time they were threatened that if they rejected termination, their awards, even though they were its rightful possessors, would not be allocated for per capita payments. The voting procedure confused tribal members, since the two questions of accepting termination and renouncing the money already awarded, were posed singularly. A single “yes” or “no” was accepted to answer the two questions. As people were concerned with their legal claims, most of them voted “yes” which in the government’s reading meant an acceptance of termination. By the time the tribe called together a second poll and explicitly voted against termination, Congress had accepted the first results and neglected the unanimous tribal rejection of termination (Lurie,

Wisconsin 46–50). Just as in the case of the interpretation of treaties, purposefully ambiguous communication was a major weapon in the hands of proponents of Menominee termination to deceive Indian people. “The principle of termination” (Lurie, *Wisconsin* 47) and the combination of the two issues entrapped the Menominee in a situation which took two decades to change. The Menominee Termination Act was passed in 1954, and went into effect in 1961.

The consequences of termination were devastating for the Menominee. Most of their “working capital had been wiped out because the government had forced them to pay part of the cost of developing a termination plan they had not wanted in the first place” (Lurie, *Wisconsin* 53). As a result of this, the tribe lost its hospital and businesses which they were supporting on the award money. The Menominee Reservation was renamed Menominee County, but this name change was the least harmful of the consequences of termination. For services they had provided for themselves before the act was passed, they had to rely on Shawano County. The tribe was turned into Menominee Enterprises, Inc. (MEI) which functioned as a business management body with former tribal members being stock holders in the company. Seemingly a democratic organization, MEI operated with a “voting trust that actually held all the shares and voted those of minors and ‘incompetents’ as a bloc” (Lurie, *Wisconsin* 53). This meant that the Menominee people had less say in their own affairs than ever before, and as MEI was headed by white businessmen, the organization could not function as a tribal enterprise. With losing money to termination, and the effects of the loss of federal trust status, the Menominee soon had to apply for emergency investments from the federal government to cope with increasing problems. Tribal self-sufficiency was also terminated with its loss of federal trust status. Since MEI was not bound to represent Menominee interests it soon became apparent that its business transactions did more harm than advance people’s lives, thus in 1970 concerned Menominees formed “Determination of Rights and Unity for Menominee Shareholders (DRUMS)” (Lurie, *Wisconsin* 54). The acronym was an appropriate choice of name, as it symbolically expresses, on the one hand, the Menominee’s voicing their concerns over mismanagement of business, and, on the other, recalls an American Indian symbol of unity with sacred implications. With the help of DRUMS, a march to the state capitol, explicitly a Civil Rights method, the assistance of Governor Patrick Lucey, and lobbying Congress, the tribe succeeded in repealing

termination in 1973. The Menominee Restoration Committee, headed by Ada Deer, was set up to recover as much of the loss as possible, and its primary goal was to achieve “federal protection without federal domination” (Lurie, *Wisconsin* 55).

Between the enactment of the Menominee termination act and restoration in 1973, the situation of the tribe altered both economically and socially to the extent that a single act could not restore the original state of tribal trust. One concomitant of the termination period was increased Indian Activism. The Menominee offer an example with the Menominee Warrior Society, who, dissatisfied with the slow changes after restoration and claiming that the newly established Restoration Committee “were insensitive to the grass roots people” (Lurie, *Wisconsin* 56) occupied the vacant Alexian novitiate, property of the Roman Catholic Church. This former place of peace turned into a “war zone” and a “training ground for militants and the military” (Wells n.pag.). The Warriors believed that instead of the slow bureaucratic procedures of the Restoration Committee, direct action was needed for the tribe to be restored. The takeover also had greater implications, as the reasons cited by the warriors varied from “racism by whites against Indians” to “secure[ing] a hospital for the tribe” and “to protest the terms of the 1934 Indian Restoration Act and the way it was executed in Menominee County” (Wells n.pag.). Remembering the violence of Alcatraz, and the Wounded Knee trading post occupations, the Wisconsin National Guard was called in to ward off more serious events. The handful of warriors faced 1000 National Guardsmen in their 34-day occupation of the novitiate. The Restoration Committee renounced any connection with the Warrior Society, and the occupation resulted in tribal factionalism. Commenting on the takeover the acting tribal government described the Warrior Society as a “dissident minority who were disenchanted after losing an election” (Wells 7). “Further internal disturbances [...] including seven violent deaths” resulted in the fact that “it took the Menominee five years to reach an agreement on a constitution and the election of permanent officers” (Lurie, *Wisconsin* 56).

These incidents are proofs to how termination did not only affect the tribe economically, but also had social and political consequences. Tribal factionalism and conflicts between MEI, DRUMS and The Menominee Warriors Society eventually could have led to total dispersion. Yet, cultural bonds are stronger and being a Menominee took priority over these struggles. This is not to say that all the problems were soothed with

the help of the tribal culture, but the Menominee tribal spirit proved stronger than the harmful effects of government policy. Their case also demonstrated to the government that termination is not only a dead-end solution to the Indian problem, but, in fact, increases it and requires more federal assistance than before.

With their failure, both termination and relocation proved that the decades after World War II already bore the ideals of a multicultural society. The unsuccessful attempt to make the Indian disappear either in urban areas or with the destruction of reservations may also be identified as the time when one of the ethno-racial blocs voluntarily strengthened and maintained its borders separating the culture it holds, thus increasing the values American Indian cultures possess. The underlying assimilationist intentions of allotment, relocation and termination are contrasted with the Indian Reorganization Act allowing self-determination. Within the span of seven decades the policy of total assimilation as promoted by the General Allotment Act was revoked as a failure and mildly compensated by the Indian Reorganization Act of 1934, but termination and relocation followed the guidelines and intentions of the former. Today in Wisconsin, the forces shaping federal Indian policy accumulate in various treaty rights controversies. However, as the events in Wisconsin demonstrate, water, hunting and fishing rights issues do not only entail antagonism and anti-Indian sentiments.

Treaty Rights Controversies

Quoting Martin Luther King's "I had a dream," Joe Handrick says: "If King were alive today to make such a statement in northern Wisconsin in 1987, he would be branded a racist by those who support American Indian spearfishing" (n.pag.). The author of "WE ARE NOT RACIST" is referring to the conflicts arising from treaty interpretations, and the consequences it had in Wisconsin. Treaty Rights Controversies affected the Chippewa people the most. Following the Civil Rights tactics already mentioned with regard to the Menominee, the Lac Courte Oreilles Chippewa took immediate action and occupied a dam to protect their rights promised in 1921. The Lac Courte Oreilles protested the destruction of Indian graves and homes, and the flooding of more reservation territory than the contract assigned to the Northern States Power Company. The flooding affected wild rice beds which the Lac Courte Oreilles were dependent on (Lurie, *Wisconsin* 65). The Chippewa

right to hunt and fish on ceded land was upheld pursuant to the treaty of 1837. Although the Lac Courte Oreilles originally based their argument on business contracts, the case soon entailed the issue of treaty rights. “A precedent-setting case in 1974 in the state of Washington had special importance for the Wisconsin Chippewas” (Lurie, *Wisconsin* 66). The case stated that Indian people were entitled to gather, hunt and fish in the territories they ceded, since they signed away the land itself and not the rights connected to it. Fishing and tourism was a growing attraction in Wisconsin providing increasing revenues, and the state soon became concerned with “illegal” Indian fishing and hunting. The matter became more complicated with the enactment of Public Law 280, mentioned above. On Indian protest in 1966, “the state attorney general ruled that the state could enforce its game laws on Indians only outside the boundaries of reservations” (Lurie, *Wisconsin* 66).

1974 saw the evolving conflicts of the Lac Courte Oreilles Band when they argued that the arrest of two band members for spearfishing off the reservation abrogated their treaty rights. The case began in 1974 but it reached final decision only in 1990. The trial went from court to court and the Lac Courte Oreilles were joined by the other five Chippewa bands “as parties to the same treaties” (Lurie, *Wisconsin* 68). During the fifteen years the case passed through three phases, the first, “declaratory” one designated to “determine the nature and scope of Chippewa treaty rights” (Lurie, *Wisconsin* 68). Anti-treaty concerns targeted the time of signing the treaties and claimed that the Chippewa were only entitled to use the “aboriginal” methods and the amount of spearfishing should not exceed subsistence level. The second, “regulatory” phase determined “the permissible scope of regulation by the state of Wisconsin in view of the fact that the landscape, ownership, and distribution of species had changed in the ceded area” (Lurie, *Wisconsin* 69). The last, “damages” step was to determine “the amount of damages, if any, the Chippewas were entitled to for interference in their treaty rights” (Lurie, *Wisconsin* 69). Although the tribe had the opportunity to turn to the Supreme Court to overrule a previous decision denying their right for compensation, they declined “as a gesture of peace and friendship towards the people of Wisconsin, in a spirit they hope may some day be reciprocated on the part of the general citizenry and officials of this state” (Lurie, *Wisconsin* 69).

The hope Indian people set forth in this declaration was, however, an unfounded one. The quotation recalling Martin Luther King’s dream appeared in an issue published by one of the Wisconsin anti-treaty and

anti-Indian groups. Associations, such as PARR (Protect Americans' Rights and Resources), STA (Stop Treaty Abuse, Inc.) and WARR (Wisconsin Alliance for Rights and Resources) (Lurie, *Wisconsin* 70) posed serious threats to any Indian action. The last acronym suggests what these groups believed to be "peace and friendship." The Milwaukee Public Museum's Native American Resource File includes publications of the above mentioned groups which reveal the severity of the conflict. In "WE ARE NOT RACIST" Handrick claims that "BECAUSE of Indian spearing, more and more people are acquiring racist attitudes" (n. pag.). He also states that those who insist on spearfishing should turn their attention to other matters as "American Indian children do not need fish, they need jobs" (n. pag.). The PARR issue containing this article also features a publication which brings together Wisconsin's two stereotypical "products": Indian spearfishing and beer. The irony of the case is unquestionable as the introduction of the Anti-Treaty Beer was timed for a peaceful rally in support of the Indian cause. A Chippewa tribal leader also remarked that those who "caused the most trouble were the drunks" (Waukau n.pag.)

The Anti-Treaty Beer also demonstrates how non-Indian residents of the state cooperated with the tribes. The drink was boycotted ("Treaty"), but more significant than this gesture is the assistance of civil rights groups and the foundation of HONOR (Honor Our Neighbors Origins and Rights) which, by the 1980s grew from a Wisconsin organization to be a national-scale association and still assists in Indian affairs (Lurie, *Wisconsin* 71).

One of the earliest unified attempts of American Indian organizations to act as one entity was a state-level venture, the Native American Project of 1975. Launched from Milwaukee, the need for the unification of Indian interests materialized on the state level. Local organizations and their most urgent concerns tend to accord with state organizations and their objectives. The network of familial ties in American Indian communities also contributes to interaction of organizations, whether smaller or larger scale. Upon a 1973 request on behalf of the Indian Community in the State of Wisconsin, Governor Patrick J. Lucey set up the Native American Project. It was to evaluate services in the most problematic fields of health, education, housing, employment and law enforcement offered by the state to various Indian communities. The project board included representatives of American Indian communities in Wisconsin and the Governor's Equal Rights Council. One direct aim was to establish

clear lines along which local, state and federal responsibilities were distributed in the above mentioned areas (Indian Community Meeting). Another objective, if less overt, is marked by the timing of the project. By the early 1970s, dissatisfaction with services to American Indians caused militant turmoil in various states. The proximity of Wounded Knee in South Dakota and the relatively large Indian population scattered over the State of Wisconsin may explain the Governor's assistance and willingness to contribute to launching a unified American Indian project.

Not only did Wisconsin set examples for Indian issues all over the country, the state also actively contributed to federal Indian affairs. As Lurie claims the state "has reflected, exemplified and helped to shape national Indian policy [...] [and] sent three people to head the Bureau of Indian Affairs: Philleo Nash, Robert Bennet and [...] Ada Deer" (Lurie, *Wisconsin* 89). In such a diverse Indian environment, with such historical experience of federal Indian policy, Wisconsin Indian people are the perfect example of how federal and local forces affect tribes, and how they react to these forces.

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